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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/734,637	12/12/2000	Greg Volgas	HCC-9 (306*141)	4754

23416 7590 02/13/2003

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EXAMINER

LOVERING, RICHARD D

ART UNIT	PAPER NUMBER
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1712

DATE MAILED: 02/13/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

BEST AVAILABLE COPY



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09/134,631 12/12/00

VOLGAS

HCC-9 (306\*14)

EXAMINER  
LOVERING

1712

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Below is a communication from the EXAMINER in charge of this application  
COMMISSIONER OF PATENTS AND TRADEMARKS

### ADVISORY ACTION

☒ THE PERIOD FOR RESPONSE:

- a) ☒ is extended to run \_\_\_\_\_ or continues to run 3 MONTHS from the date of the final rejection
- b) ☐ expires three months from the date of the final rejection or as of the mailing date of this Advisory Action, whichever is later. In no event however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

☐ Appellant's Brief is due in accordance with 37 CFR 1.192(a).

☒ Applicant's response to the final rejection, filed FEB 5, 2002 has been considered with the following effect, but it is not deemed to place the application in condition for allowance:

1. ☒ The proposed amendments to the claim and/or specification will not be entered and the final rejection stands because:
- a. ☒ There is no convincing showing under 37 CFR 1.116(b) why the proposed amendment is necessary and was not earlier presented.
  - b. ☒ They raise new issues that would require further consideration and/or search. (See Note).
  - c. ☐ They raise the issue of new matter. (See Note).
  - d. ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
  - e. ☐ They present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: AS TO b ABOVE, ENTRY OF THE AMENDMENT WOULD RAISE THE  
NEW ISSUE OF REJECTION OF CLAIMS 47 & 48 UNDER 35 USC 103  
OVER ARRANAGA 5,045,588, EXAMPLE 2.

2. ☐ Newly proposed or amended claims \_\_\_\_\_ would be allowed if submitted in a separately filed amendment cancelling the non-allowable claims.

3. ☒ Upon the filing an appeal, the proposed amendment ☐ will be entered ☒ will not be entered and the status of the claims will be as follows:

Claims allowed: 42-46, CLAIM 43 SUBJECT TO BEING REINVESTED DEPENDENT UPON CLAIM 1;

Claims objected to:

Claims rejected: 29, 31-35, 37, 38, 40, 41, 47, 48, 50 AND 51

However;

☐ Applicant's response has overcome the following rejection(s): \_\_\_\_\_

4. ☒ The affidavit, exhibit or request for reconsideration has been considered but does not overcome the rejection because (SEE ATTACHMENT)

5. ☐ The affidavit or exhibit will not be considered because applicant has not shown good and sufficient reasons why it was not earlier presented.

☐ The proposed drawing correction ☐ has ☐ has not been approved by the examiner.

Art Unit 1712

6. The kerosene in Examples 2 and 4 of Arranaga is a liquid carrier (column 5, lines 49 and 50), not a deposition agent, so that polyacrylamide of 45-55% (in Example 2) in poly(ethylene oxide) 25-35% (in Example 4) are deposition agents in Arranaga, which percentages lie wholly within or at least overlap the range of 0.5 to 50% by weight inserted in applicants' amended claims. It is evident from the instant specification page 2, lines 9 and 10 that applicants themselves don't consider the oil to be a deposition agent.

7. Attached hereto is a copy of the previously-submitted PTOL-1449.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Lovering whose telephone number is (703) 308-0443. The examiner can normally be reached on Mon.-Fri. from 7:30 A.M. to 4:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Dawson, can be reached on (703) 308-2340. The fax phone number for this Group is (703) 872-9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661.

R. Lovering:cdc  
February 11, 2003

*Richard D. Lovering*  
RICHARD D. LOVERING  
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